

REMARKS

Claims 1-30, 35-37, and 46-49 are pending in the application. Claims 1-6, 13, 19-25, 27-30, 35, and 46-49 are currently amended; claims 7-12, 14, 15, 17, 18, 26, and 35-37 remain unchanged from the original versions thereof; and claims 31-34 and 38-45 are canceled herewith. Claims 1, 27, 35, and 46-49 are the independent claims herein.

No new matter is added to the application as a result of the present Amendment and Response.

The Office Action rejects claims 1-9, 11-14, 16-20, 22, 24-42, 44-49 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,835,061 to Stewart. This rejection is respectfully traversed.

Regarding independent claim 1, it is respectfully submitted that claim 1 relates to determining a data perimeter associated with a device, wherein the device is associated with a person and the data perimeter defines a boundary area. Likewise, independent claim 27 relates to associating a data perimeter with a person based, at least in part, on a location, the data perimeter defining a boundary area and including at least one transmitter capable of transmitting a wireless signal; claim 35 relates to determining a data perimeter associated with a location, wherein the data perimeter defines a boundary area; and claims 46 and 48 relate to determining a data perimeter defining a boundary area associated with a person and with a location, respectively. Similarly, claims 47 and 49 relate to instructions for identifying a data perimeter defining a boundary area associated with a person and with a location, respectively.

Thus, it is clear that each of the independent claims in the present application relates to a data perimeter defining a boundary area.

Support for the current claim amendments may be found in the specification at least at paragraphs [0007] and [0028]. As disclosed in the specification, for some embodiments a data perimeter may “allow a person or device to receive information or other data and/or may form a virtual or intangible boundary created by wireless transmission of the data to one or more transmitters. Data perimeters may establish or follow limits with regard to...areas to provide information regarding those areas.” (See published application, paragraph [0007]) Furthermore, Applicant disclosed, “[T]he data may be tailored to the specific location, person, etc....The data and/or data perimeters may change over time, as a person moves from one location to another location, as a person uses different devices, etc.” (See published application, paragraph [0028])

Contrary to Applicant’s claimed invention and the Office Action’s characterization of Stewart, Applicant respectfully submits that the cited and relied upon Stewart does not disclose or suggest Applicant’s claimed methods for facilitating delivery of data (claims 1, 27, and 35), system for providing data (claims 46 and 48), and computer program products in a computer readable medium for providing data (claims 47 and 49). As discussed above, each of claims 1, 27, 35, and 46-49 claims a data perimeter. In contrast to Applicant’s claims however, the cited and relied upon Stewart does not provide any disclosure or suggestion of, at least, the claimed “data perimeter” (or equivalents thereof).

Stewart instead briefly discloses a method and apparatus for a geographic-based communications service. Stewart discloses a system including a mobile unit (MU); and an access point (AP), a management information base (MIB), and an information provider connected together by a centralized network. In some of the disclosed embodiments, the MU communicates with the centralized network and/or components and/or services connected thereto wirelessly via the AP. (See Stewart, col. 1, ln. 45-63; and col. 4, ln. 66-col. 5, ln. 6) Stewart further discloses that “it is only necessary to provide the mobile unit a method of determining its own location” (col. 4, ln. 38-39) and “the user’s location is established with relative precision by the location of the AP” (col. 4, ln. 61-63). Thus, it is clear that Stewart discloses determining a location of a mobile unit and user of the mobile unit based a known location of an access point. (See Stewart abstract)

It is not seen where Stewart discloses or suggests any data perimeter defining a boundary area, let alone the claimed data perimeter associated with a device (claim 1), person (claims 27, 46, and 47), or location (claim 35, 48, and 49). Stewart is essentially concerned with and discloses communicating with a device via a network access point(s). The location of the network access point(s) is known and may be geographically dispersed. As such, Stewart discloses a method and system for communicating with a device within a communication range of a network access point at a known location. Stewart however does not disclose or suggest any method or system that includes determining or identifying a data perimeter defining a boundary area and associated with a device, person, or location. That is, Stewart is concerned with and discloses a method and system for communicating with a network via an access point at a known location, not determining or identifying a data perimeter defining a boundary area and associated with a device, person, or location.

Furthermore, Stewart does not even disclose determining or identifying the location of the network access points discussed therein. Stewart explicitly states that the methods and system therein are based on known location of the access points. Stewart provides no discussion or apparent consideration for a determining operation or identifying operation regarding the access points. Since Stewart relies on the location of the access points being known, there is no need in Stewart to determine or identify a location of the disclosed access points.

Therefore, Stewart fails to disclose or suggest any of the data perimeter defining a boundary area features recited in each of the claims of the instant application. At least for this reason, Applicant respectfully submits that Stewart does not anticipate any of the independent claims.

Furthermore, Applicant submits that Stewart fails to render the present claims obvious since Stewart (either alone or in combination with any of the cited and relied upon references) does not, at least, suggest any of the claimed data perimeter features.

Therefore, Applicant respectfully submits that Stewart fails to anticipate independent claims 1, 27, 35, and 46-49 for at least the reasons stated hereinabove. Also, Applicant further submits that Stewart does not anticipate dependent claims 2-9, 11-14, 16-20, 22, 24-26, 28-30, 36, and 37 for at least the same reasons provided regarding independent claims 1, 27, 35, and 46-49. Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1-9, 11-14, 16-20, 22, 24-30, 35-37, and 46-49 under 35 USC 102(b) and the allowance thereof.

The Office Action rejected claims 10, 21, and 23 under 35 U.S.C. §103(a) as being obvious over Stewart in view of U.S. Patent No. 6,246,883 to Lee. This rejection is respectfully traversed.

In rejecting claims 10, 21, and 23, the Office Action relies on the alleged disclosure of Stewart, as discussed hereinabove with respect to the rejection under 35 USC 102(b). As clearly shown by the above detailed discussion, Stewart fails to disclose or suggest that for which it is cited and relied upon for disclosing by the Office Action. Moreover, the insufficient disclosure of Stewart is not rectified or remedied by the Office Action's combination of Stewart with Lee. Thus, even if the cited and relied upon Lee were combined with Stewart as alleged and relied upon by the Office Action (not admitted as possible or suggested by Applicant), Applicant respectfully submits that the Stewart/Lee combination does not disclose or suggest the claimed "data perimeter" recited in each of claims 10, 21, and 23.

Therefore, Applicant respectfully submits that cited and relied upon combination of Stewart and Lee fails to anticipate claims 10, 21, and 23 for at least the reasons stated hereinabove. Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 11, 21, and 23 under 35 USC 103(a) and the allowance of same.

The Office Action rejected claim 15 under 35 U.S.C. §103(a) as being obvious over Stewart. This rejection is respectfully traversed.

In rejecting claim 15 that depends from claim 1, the Office Action again relies on the alleged disclosure of Stewart, as discussed hereinabove with respect to the rejection under 35 USC 102(b). Since Stewart fails to disclose or suggest that for which it is cited and relied upon for disclosing with regard to claim 1, Stewart alone is insufficient to render claim 15 obvious. Again, Stewart does not disclose or suggest the claimed "data perimeter" of claim 15.

Therefore, Applicant respectfully submits that Stewart fails to render claim 15 obvious. Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claim 15 under 35 USC 103(a) and the allowance of same.

The Office Action rejected claim 43 under 35 U.S.C. §103(a) as being obvious over Stewart in view of U.S. Patent No. 5,579,535 to Orlen et al. (hereinafter, Orlen). This rejection is respectfully traversed.

In rejecting claim 43, the Office Action hereto relies on the alleged disclosure of Stewart, as discussed hereinabove with respect to the rejection under 35 USC 102(b). Yet, as discussed in detail above, Stewart fails to disclose or suggest that for which it is cited and relied upon for disclosing by the Office Action. Therefore, Applicant respectfully submits that even if the cited and relied upon Stewart were combined with Orlen as alleged and relied upon by the Office Action (not admitted as possible or suggested by Applicant), the Stewart/Orlen combination does not disclose or suggest the claimed "data perimeter" recited in claim 43.


Therefore, Applicant respectfully submits that the cited and relied upon combination of Stewart and Orlen fails to render claim 43 obvious for at least the reasons stated hereinabove. Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claim 43 under 35 USC 103(a) and the allowance of same.

CONCLUSION

Accordingly, Applicant respectfully requests allowance of all pending claims 1-30, 35-37, and 46-49. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,

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